

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

FILED

MAR 02 2016

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

CR 08-122-GF-BMM

Plaintiff,

ORDER

vs.

AUSTIN BROOKS HEALY,

Defendant.

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on February 16, 2016. Defendant admitted he had violated Special Condition 3 of his supervised release by consuming alcohol on August 15, 2015, and on January 30, 2016. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnston recommended that this Court revoke Defendant's supervised release and commit the Defendant to the custody of the United States Bureau of Prisons for a term of imprisonment of 8 months, with 12 months of supervised release to follow.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted that he had violated Special Condition 3 of his supervised release on two occasions. Defendant could be incarcerated for up to 24 months, followed by 24 months of supervised release, less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of six to 12 months. The sentence recommended by Judge Johnston is appropriate. The record shows that the Defendant is a dangerous, destructive person when he consumes alcohol. A significant sanction will encourage the Defendant to comply with the conditions of his supervised release in the future. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 49) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 2nd day of March, 2016.

A handwritten signature in cursive script, reading "Brian Morris". The signature is written in black ink and is positioned above a horizontal line.

Brian Morris
United States District Court Judge